

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ROSA McCLOSKEY,

NO. CV 5:11-cv-01823 EJD

Plaintiff(s),

**ORDER TO SHOW CAUSE**

v.

D&amp;J HILLVIEW LLC, et. al.,

Defendant(s).

Pursuant to General Order No. 56, the parties to an action filed under the Americans With Disabilities Act ("ADA"), 42 U.S.C. §§ 12131 et. seq., are to complete a joint site inspection within 100 days of filing the Complaint. See Gen. Order No. 56, ¶ 3. Thereafter, the plaintiff must file a "Notice of Need for Mediation" within 45 days of the joint site inspection if an agreement on injunctive relief or settlement cannot be reached. See Gen. Order No. 56, ¶¶ 5, 6.

Here, Plaintiff Rosa McCloskey ("Plaintiff") filed a Complaint under the ADA on April 14, 2011. Although it has been 145 days from the date the Complaint was filed, Plaintiff has not filed a "Notice of Need for Mediation," and has not informed the court of settlement or agreement as to all defendants per General Order No. 56.

Accordingly, the court hereby issues an order to show cause why this action should not be dismissed for failure to prosecute. If plaintiff does not, by September 27, 2011, either (1) demonstrate compliance with paragraphs 5 and 6 of General Order No. 56, or (2) demonstrate good cause in writing why this case should not be dismissed, the Court will dismiss the action with prejudice pursuant to Federal Rule of Civil Procedure 41(b). No hearing will be held on the order to show cause unless otherwise ordered by the Court.

**IT IS SO ORDERED.**

Dated: September 13, 2011

  
EDWARD J. DAVILA  
United States District Judge